

REGULAR CITY COUNCIL MEETING

MAY 19, 1986

PRESENT

Ruth Hansen	Mayor
Gayle Bunker	Council Member
David Church	Council Member
Don Dafoe	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member

ABSENT

Dorothy Jeffery	City Recorder
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OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Virginia Taylor	City Clerk
Roger Young	Chief of Police
Morris Burton	Police Officer
John Quick	City Engineer
Neil Forster	Public Works Director
Susan Callister	Deputy Recorder
Susan Topham	Delta High School
Jamie Wood	Delta High School
Wendy Stanworth	Delta High School
Tanisea Heath	Delta High School
Pamela Plett	Delta High School
Sally McCormick	Delta High School
Sharal Myers	Delta High School
Rob Hender	KNAK Radio Station

Mayor Ruth Hansen called the meeting to order at 7:10 p.m. Virginia Taylor, City Clerk, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

There were no minutes presented.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the

accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment, as listed, in the amount of \$16,433.12. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

DELL ASHBY: REQUEST FOR UNDERGROUND EASEMENT ON 100 SOUTH STREET TO INSTALL THE BELL SYSTEM FROM THE SENIOR CITIZEN HOUSING FACILITY TO THE LONG TERM HOUSING FACILITY

Mayor Hansen asked Jim Allan, in view of Dell Ashby's absence, to discuss a request for an underground easement on 100 South Street to install an underground communications cable for an alarm system from the Senior Citizen Housing Facility to the West Millard Long Term Nursing facility.

In discussion of the request, the Council concurred that an easement could be granted as long as the asphalt on 100 South Street remained intact and was not dug up to lay the planned cable.

Council Member Neil Dutson MOVED to grant an underground easement on 100 South Street providing that a cut is not made in the street. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JOHN QUICK: DECISION ON CONCEPT AND CONSIDERATION OF SPECIFICATIONS FOR DELTA CITY OPEN DRAIN ENCLOSURE PROJECT

Mayor Hansen recognized City Engineer John Quick and asked him to address the Council regarding Delta City's Open Drain Enclosure Project.

John Quick said that the Open Drain Enclosure Project plans and specifications are ready to be advertised for bid at the end of the week and reviewed with the Council a Bid Schedule, as on file. Mr. Quick explained that the bid schedule had been divided into eight schedules, each having their own unit price. He said that once the bids come it can be determined how much money the City is able to spend on the project and what portions of the drains can be covered.

Mr. Quick said that the estimated subtotal of Bid Schedules 1, 2, 4 & 6, which are the most likely schedules to complete, amounts to \$202,930. He also said that the estimated figures do not include engineering and contingency fees, which would be 15% of the total cost. City Manager Jim Allan explained that the City received \$165,000 from a Utah Natural Resources Community Impact Board (C.I.B.) grant, and \$15,000 from an additional C.I.B. grant if the City will provide matching funds of \$15,000. He also said that Delta City has \$86,000 in emergency reserve funds that could be applied to the Open Drain Enclosure Project.

After reviewing the bid schedules, Council Member Gayle Bunker suggested that the size of the project not be determined until all bids have been

received, then determine the size of the project based on the unit prices of the low bid.

Mr. Quick said that easements may need to be acquired on property affected by the drain enclosure project and said that he would work with Public Works Director Neil Forster in obtaining necessary information.

Mr. Quick reviewed a proposed Master Storm Drain Plan which included use of detention ponds to regulate storm water flows and said that detention ponds need to be provided in various areas of the drains.

The Council discussed the possibility of Delta City purchasing the pipe for the project on a separate materials list in order to save money and to allow small enough contract amounts for local contractors to bid the project.

Following a brief discussion, Council Member Don Dafoe MOVED that Delta City be responsible for furnishing pipe for the Open Drain Enclosure Project on a separate bid. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions to be discussed. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER: CONSIDERATION OF CHANGE OF EMPLOYMENT STATUS FOR SHANE CLARK FROM PROBATIONARY TO PERMANENT FULL-TIME

Mayor Hansen asked Public Works Director Neil Forster to review with the Council the employment status for Public Works Department employee Shane Clark.

Mr. Forster presented and reviewed an employee evaluation on Shane Clark. He recommended that he be placed on permanent status, with benefits, and that he receive an increase in wages from grade 8A to 8B.

Following a brief discussion, Council Member David Church MOVED to grant Shane Clark permanent full-time status with an increase from Grade 8A to 8B. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JIM ALLAN: CONSIDERATION OF CONTINUATION OF AIRPORT ANNEXATION

Mayor Hansen asked City Manager Jim Allan to discuss with the Council the status of the proposed Airport Annexation.

Mr. Allan said that Derral Christensen has requested that his petition for annexation be withdrawn. He said that Mr. Christensen expressed the following concerns regarding the proposed airport annexation as reasons for withdrawing the petition:

1. Property tax costs
2. The position of family member, Neil Dutson, in perhaps having to cast the deciding Council vote on whether to approve the proposed annexation
3. Development costs

Mr. Allan said Mr. Christensen may change his mind if the Council vote in favor of the annexation was unanimous, and if the administrative requirements were met as soon as possible, he said. Mr. Allan said he felt that the City could make progress on the annexation and that Mr. Christensen would reinstate his petition for annexation.

The Council discussed the requirement for a two-thirds vote in favor of the annexation.

The proposed agreement between Delta Valley Farms and Delta City was discussed regarding Delta Valley Farms' option to withdraw from the annexation if culinary water service is not provided to Delta Valley Farms by the City within 3 years after annexation. Mayor Hansen said that Stewart Taylor and Gus Taylor, property owners in the proposed annexation area, would like to annex under the same agreement.

Council Member Craig Greathouse said that without Delta Valley Farms, Stewart Taylor and Gus Taylor in the annexation after three years, the west side of the highway would be open again, in his view defeating the purpose of annexing highway frontage to protect against commercial development on the fringes of Delta City. Mr. Greathouse also expressed his concern regarding the cost of extending a water line from Delta City to the Delta Valley Farms area.

Warren Peterson spoke in favor of the annexation and explained that if Delta City should attempt to annex after ownership of property has been further fragmented, it is difficult to annex. Mr. Peterson said that Delta City has the option of having at least three years of control before Delta Valley Farms could elect to withdraw from the annexation, as opposed to no control at all without annexation.

Attorney Peterson asked for the Council's direction regarding the annexation and said that the last vote of the Council was to negotiate and prepare agreements with the property owners petitioning for annexation and said that the agreements have been negotiated, but he still needs to prepare the written documents embodying those agreements. He asked if the Council wished to drop any further action on the annexation in view of the recent developments. To do so would require a vote reversing the earlier Council action, he said.

Following further discussion, the Council concurred that Attorney Peterson should continue to prepare the necessary documents to proceed with the annexation so that the Council could vote on the annexation agreement at the next regular City Council meeting.

WARREN PETERSON/ROGER YOUNG: CONSIDERATION OF ADOPTION OF APPENDICES TO DELTA CITY CODE OF ORDINANCES

Mayor Hansen asked Attorney Warren Peterson and Chief of Police Roger Young to discuss with the Council the adoption of appendices to the Delta City code of ordinances:

Attorney Peterson presented a proposed ordinance entitled:

AN ORDINANCE REPEALING SECTIONS 11-323, 11-325 AND 11-343 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, AND REENACTING SAID SECTIONS 11-323, 11-325 AND 11-343 WITH APPENDICES THERETO LABELED AS APPENDICES "B", "C" AND "D" TO TITLE 11-000, RESPECTIVELY, AND ADOPTING CHAPTER 11-400 TO THE REVISED ORDINANCES OF DELTA CITY AND AN APPENDIX THERETO ESTABLISHING LOAD LIMITS FOR CERTAIN STREETS IN DELTA CITY.

Attorney Peterson reviewed in detail with the Council Sections 27-12-28 and 27-12-148 of the Utah Code regarding load limits. He pointed out that these State statutes severely limit and perhaps prohibit local weight limitation ordinances. He recommended that the Council study and consider the proposed ordinance for the next regular City Council meeting. He also suggested that the weight limits under the Weight Limitation Appendix be adopted consistent with the engineering for the streets and with Utah statutes. He said the ambiguity in the statutes open a possibility that the Delta City load limitation ordinance could be challenged in court at some later date. He said he felt that load limitations on Class C roads would be defensible under the present statutes.

Following a brief discussion, Council Member Don Dafoe MOVED to table this item for further study. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

WARREN PETERSON: CONSIDERATION OF PROPOSED RESOLUTION PROVIDING FOR DESIGNATED WORK PERIOD FOR CERTAIN CITY EMPLOYEES

Mayor Ruth Hansen asked Attorney Warren Peterson to review with the Council a proposed resolution providing for designated work period for certain City employees.

Attorney Peterson presented a proposed resolution entitled:

RESOLUTION NO. 86-148

A RESOLUTION REPEALING SECTION 4 OF THE DELTA CITY PERSONNEL POLICIES MANUAL, ADOPTING A DESIGNATED WORK PERIOD FOR PUBLIC SAFETY EMPLOYEES OF DELTA CITY, AMENDING SECTION 13 OF THE DELTA CITY PERSONNEL POLICIES

MANUAL, INCREASING THE GRADE LEVEL FOR THE DELTA CITY
LIBRARIAN AND ESTABLISHING GUIDELINES FOR ISSUANCE AND
APPROVAL OF TRAVEL VOUCHERS.

The Council began discussion of the resolution with the travel expense approval procedure change requested by Mayor Hansen. In discussion of the proposed resolution, the Council decided that Council Member David Church should be designated under Paragraph 6 of the proposed resolution to review all travel expense vouchers or reimbursement requests submitted by the Mayor. The Council also discussed the procedural change on travel expense approvals that was set out in Paragraph 5 of the proposed resolution. Council Member Craig Greathouse said he wanted to have all travel vouchers placed on the accounts payable.

The Council also discussed the change in grade for the librarian. The Council discussed at length the changes in the designated work period that would be permitted based on this resolution. The Council also discussed the relationship of this resolution to the next agenda item regarding back pay award for police officers. The Council changed the proposed resolution to read "police department employees" at each place where it presently read "public safety employees" and corrected errors in the draft.

Following further discussion, Council Member Don Dafoe MOVED to adopt proposed Resolution No. 86-148 as amended. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. Council Member Craig Greathouse requested that all vouchers be included in the accounts payable list for Council's approval. Mayor Hansen then called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes

Mayor Hansen then signed the resolution.

WARREN PETERSON/JIM ALLAN: CONSIDERATION OF BACK PAY AWARD FOR POLICE OFFICERS

Mayor Hansen asked Attorney Warren Peterson and City Manager Jim Allan to discuss with the Council the back pay award for Delta City police officers.

Attorney Peterson said that since October 1, 1985, the Delta City police officers have only been paid overtime if they had worked over 171 hours based on an administrative order dated September 30, 1985. The officers had previously been paid overtime based on an 8 hour workday and a 40 hour work week. Questions had arisen whether the officers would be awarded back pay or a compensation time award for the difference in work time requirement.

The Council was presented with two alternatives for application of the Fair Labor Standards Act (FLSA) to the Police Department, and especially the interaction between FLSA and the Delta City Personnel Policies Manual. One alternative was presented by Mr. Peterson; the other by Mr. Allan. Mr. Allan and Mr. Peterson also recommended that the City Council Members designate persons to review the questions and make recommendations to the City Council.

Council Member David Church suggested that the police officers be scheduled at 40 hours per week as much as possible and anything over 40 hours worked up to 171 hours overtime be paid at the officers regular rate, and any time worked over 171 hours within a 28 day period be paid at time and one-half rate.

The Council also discussed the distinction between the accounting period used for computing regular salaries and the designated work periods to determine overtime pay. The Council discussed alternatives such as modifying accounting periods to coincide with work periods.

Following further discussion, Council Member David Church MOVED to table this item to enable Attorney Peterson and Jim Allan to make a recommendation at the next City Council meeting. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

WARREN PETERSON: CONSIDERATION OF FINAL DRAFT OF PROPOSED COMPREHENSIVE AMENDMENTS TO THE ZONING ORDINANCE AND PROPOSED ZONING MAP

Mayor Hansen asked Attorney Peterson to present a final draft of proposed comprehensive amendments to the zoning ordinance and proposed zoning map.

Attorney Peterson presented the final draft of zoning map as recommended by the Planning Commission and said that it is presented for adoption as the official map for the purpose of adopting the zoning ordinance. There was discussion regarding proposed zone classifications recommended by the Planning Commission regarding Block 25 and property south of 300 South Street and west of 400 West Street.

Council Member Craig Greathouse MOVED to accept the zoning map as corrected by Planning Commission with an R4 zone in the Block 25 area and an R3 zone in Block 25. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote, which was as follows:

Council Member Gayle Bunker	Yes
Council Member Don Dafoe	No
Council Member David Church	No
Council Member Neil Dutson	No
Council Member Craig Greathouse	Yes

Mayor Hansen ruled that the motion failed. Council Member David Church then MOVED to change Block 25 to an RD zone and to otherwise adopt the zoning map as recommended. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	No

Mayor Hansen ruled that the motion passed.

Attorney Warren Peterson then reviewed with the Council the following ordinance entitled:

ORDINANCE NO. 86-104

AN ORDINANCE ENACTING COMPREHENSIVE AMENDMENTS TO THE ZONING ORDINANCE OF DELTA, UTAH (ORDINANCE NO. 81-26), AS AMENDED, DEFINING THE EFFECT OF REPEAL OF PRIOR ZONING REGULATIONS, PROVIDING FOR A PLANNING COMMISSION, BOARD OF ADJUSTMENT AND ZONING OFFICER, DECLARING REGULATIONS AND STANDARDS FOR LAND USE WITHIN DELTA CITY, ESTABLISHING ZONING DISTRICTS, DIVIDING DELTA CITY INTO ZONING DISTRICTS AND ADOPTING A MAP SHOWING THE BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS, PROVIDING FOR THE ADMINISTRATION AND REGULATION OF THIS ORDINANCE, PROVIDING FOR INTERPRETATION AND APPLICATION OF THE REGULATIONS ESTABLISHED HEREBY, ESTABLISHING POLICIES AND PERFORMANCE STANDARDS FOR LAND USE WITHIN DELTA CITY, ESTABLISHING PROCEDURES FOR MODIFICATIONS AND AMENDMENTS TO THE REGULATIONS SET OUT HEREIN, ESTABLISHING METHODS FOR ENFORCEMENT OF THE ORDINANCE ADOPTED HEREBY, PROVIDING AN EFFECTIVE DATE AND CODIFYING THE ORDINANCE ADOPTED HEREBY AS TITLE 12-000 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED.

Following a brief discussion, Council Member Don Dafoe MOVED to adopted Ordinance No. 86-104 including adoption of the zoning map just approved by the Council. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any comments or questions regarding the motion. There being none, she called for a roll call vote, which was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes

Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes

Mayor Hansen then signed the ordinance.

JIM ALLAN: CONSIDERATION OF ADMINISTRATIVE FEE FOR MILLARD COUNTY LANDFILL COLLECTION

Mayor Hansen asked City Manager Jim Allan to discuss proposals for the administrative fee for Millard County Landfill Collection system.

Jim Allan said that there is a need to establish an administrative rate schedule for billing for the Millard County Landfill operation and presented a draft proposal from Utah Power & Light Co. to Millard County to bill for the landfill operation. Mr. Allan said that rather than using UP&L for billing purposes, Delta City could continue to use the same billing forms now in use for charging water and sewer utility services. He proposed an administrative fee structured to off set the expense of existing personnel and equipment within the department of public works. Included would be the expense to administer and collect on delinquent accounts, as well as funds necessary to cover the expense for uncollectible accounts, he said.

Following a brief discussion, Council Member Gayle Bunker MOVED that Delta City do the billings and charge \$.30 per month to cover expenses, maintenance, uncollectibles, etc. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JIM ALLAN: CONSIDERATION OF VIETNAM VETERAN MEMORIAL PROPOSAL

Mayor Hansen asked City Manager Jim Allan to discuss with the Council the Vietnam Veteran Memorial Proposal.

Jim Allan asked the Council if Delta City should contribute to the Vietnam Veteran Era Memorial Committee in honor of Delta area veterans. Council Member David Church MOVED to not participate and to refer the project to the American Legion and the Veterans of Foreign Wars. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JIM ALLAN: CONSIDERATION OF CONTINUED CONTRACT WITH JOHN WILLIE FOR PLANNING SERVICES

Mayor Hansen asked City Manager Jim Allan to discuss with the Council the continuation of Planning Services contract with John Willie.

The Council presented a proposal from John Willie, Planning Consultant, to continue his contract for planning services. The Council agreed to continue

John Willie's services at a \$37.50 per hour rate on an "as needed" basis during fiscal year 1986-87.

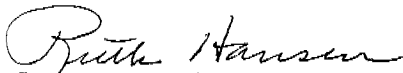
Following a brief discussion, Council Member Gayle Bunker MOVED to approve entering a contract for John Willie's services for one year on an "as needed" basis at the hourly rate of \$37.50 with the total contract amount not to exceed \$3,600. Also, that Council Member Craig Greathouse and Planning Commission Chairman Jack Fowles contact John Willie when services are needed and make arrangements for visits to Delta when required. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

OTHER BUSINESS

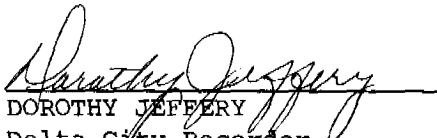
Mayor Hansen asked the Council to be thinking of a replacement for City Attorney Warren Peterson in the event that he is elected to the office of Millard County Attorney.

The Council scheduled a special City Council meeting for the purpose of reviewing Fiscal Year 1986-1987 budgets for May 30, 1986, at 2:00 p.m. and requested that the department heads be available for questions.

Mayor Ruth Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen declared the meeting adjourned at 11:35 p.m.


RUTH HANSEN, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: June 9, 1986